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Approved:

5/11/2009

CHARLES J. LARSCHEID

PORT AND SOLID WASTE DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Monday, **April 13, 2009**, 11:30AM
at Holiday Inn – City Centre, Green Bay, WI.

The meeting was officially called to order by President McKloskey at 11:40AM.

1) Roll Call:

Present: President Neil McKloskey
Vice-President Tom Van Drasek
Commissioner Bill Martens
Commissioner Hank Wallace
Commissioner Craig Dickman
Commissioner Bernie Erickson

Excused: Commissioner John Gower
Commissioner John Hanitz
Commissioner Ron Antonneau

Also Present: Charles Larscheid, Brown County Port & Solid Waste
Dean Haen, Brown County Port & Solid Waste
Jim Van Laanen, Bay-Lake Regional Planning Comm. (left at 12:12pm)

2) Approval/Modification – Meeting Agenda

A motion to approve the meeting agenda as amended (move section #10 to #12-1/2; note corrected handout for #5) was made by Craig Dickman and seconded by Bernie Erickson. Unanimously approved.

3) Approval/Modification – February 9, 2009 Meeting Minutes

A motion to approve the February 9, 2009 meeting minutes was made by Bill Martens and seconded by Tom Van Drasek. Unanimously approved.

4) Economic Impact Study – Jim Van Laanen Bay-Lake Regional Planning Comm.

Mr. Van Laanen distributed a handout of the Economic Impact Study and touched on the highlights of the Study. It was noted that although the Study is regional the numbers and/or information Mr. Van Laanen is able to enter is limited. Van Laanen noted that MARAD was last updated 10 years ago. Van Laanen indicated he would look into whether the Study could be broken down by impacted congressional districts as requested by the Commission. Van Laanen stated that could be done using the Port Investment component although he had never used that portion of the modal but would follow-up on this request.

Commissioner Dickman stated he feels it is important to continue to build the case for investment and focus on the Port's needs. McKloskey reminded the Commission of the Study done on containers. Asked by Commissioner Erickson if the Tall Ships Festival could be a factor in this, Manager Haen indicated no, although state that another Festival is being planned for 2010. Commissioner Erickson asked if stevedores are still working at the docks. Manager Haen stated there are stevedores although they do not get much work as the era of unionized labor in the Port of Green Bay is currently gone. The Study is distributed to the County Board, media, sent to neighboring districts including Chamber of Commerce, Planning Departments, the County Executive and Board Chair.

The Commission requested the additional handout and the press release be sent out to neighboring districts. Van Laanen stated this information is released to Sheboygan, Kewaunee, Manitowoc, Door County, Brown, Oconto, Marinette and Florence Counties. Van Laanen also stated he would be sure the information was distributed through the Valley Development Corporation. The Commission requested Manager Haen put together a list of those who could be sent the media release, the handout, a port brochure, and a cover letter describing the benefits of the Port of Green Bay.

Van Laanen indicated he is working on the mobile ship study which will show the impacts of shipping by waterborne transport. These numbers from the EPA will be available in 6 weeks in draft form with a full report in June. Discussion ensued on coastal air quality regulations as they apply to the Great Lakes as EPA rules came out 3 weeks ago changing the requirements for emissions from waterborne vessels along coastal boundaries.

A motion was made by Bernie Erickson and seconded by Craig Dickman to receive and place on file. Unanimously approved.

5) BayPort Annual Report

Manager Haen reviewed the BayPort Annual Report. This is the final winter submission to the government agency which the Port has to make. The report outlines the operations at Bayport in terms of the material brought in, what is done with it, environmental monitoring, outfalls for pcb, etc. Haen indicates the Annual Report alludes to the expansion of BayPort in terms of the capacity as cell 7 has reached capacity.

Approximately 5 years ago, the Harbor Commission pursued vertical expansion for cell 7. At this time cell 7 has reached final grade and everything has proven to be stable. By September a summarization of the last 5 years' activities will be submitted to the WDNR along with a request for expansion approval of the whole facility. If approved, this which would take the capacity at BayPort from 2.5M cy to upwards of 7M cy adding an additional 25 years onto the BayPort site.

It is important to have near water capacity, continue work on benefits reuse projects, pursue the possibility of the WDOT using sediments on highway projects; and to purchase adjacent property.

Haen noted that per the new agreement with the USACE, the updated fees were used in January for the 2008 billing. The additional fees shown in the updated Harbor Fee were also implemented. All harbor fees for 2008 have been paid with the exception of LaFarge, although Haen expects payment from them soon.

6) NOAA Grants – Request for Approval

Manager Haen indicated on March 13, 2009 he was made aware of this grant opportunity which had a due date of April 6, 2009. NOAA (National Oceanic Atmospheric Administration) was given \$170M from the federal government for habitat restoration. The Cat Island chain is ideally suited for this grant. Haen indicated that along with outside help, approximately 180 to 240 hours were used preparing this grant.

The cost estimated by the USACE to rebuild the spine (hardened wave barrier) for the Cat Islands was \$34M. However, Brown County submitted this grant request for \$19M based on the quote received from Lunda Construction. The \$34M cost estimate includes administration costs for the USACE.

The NOAA grant was discussed at the recent Port Symposium. Due to time constraints, the grant application has been submitted prior to board approval. Should approval not be obtained from the necessary boards/committees, the money, if awarded, could be declined. The grant will be awarded in May 2009. The Commission requested a letter of commendation.

Brown County will be responsible for building the wave barrier to the USACE specifications. Haen noted this is a 100% grant - no cost share, whereas the USACE \$34M had a 35% cost share - \$12M for Brown County

This project is shovel-ready and Haen is optimistic. Haen noted this is a prelude to the Harbor Assistance Grant submitted in August. Follow-up was requested at the next meeting.

A motion to approve the NOAA grant application was made by Hank Wallace and seconded by Bernie Erickson. Unanimously approved.

7) Wisconsin Ballast Water Rules

Manager Haen reiterated the Port is supportive of ballast water rules but on a national level. Since no decision has been made by Congress, regulations are being implemented individually by each state. Included in the agenda packet is a letter with Haen's comments in response to Wisconsin draft comments on their rules. The letter was approved by the County Executive. Haen noted that the international standards, as well as five other Great Lakes states have regulations 100 times to 1000 times lower than those required by Wisconsin. Haen does not believe Wisconsin has any scientific basis for the numbers they arrived at. The

WDNR also included an implementation schedule that is unattainable. In addition Wisconsin regulation states ballast water should be regulated for saltwater.

Haen has met with legislators who understand our issues. Future updates will be provided to the Commission.

8) Economic Stimulus – Update

A letter sent to Governor Doyle & federal legislators from Neil McKloskey and Bernie Erickson was included in the agenda packet. The letter documents the economic stimulus bill and the American Recovery & Reinvestment Act. Three requests were submitted which Haen felt the Port would be eligible for – backlog dredging, Renard Island permanent access and the Cat Island chain. To date, none of the economic stimulus money has been released.

9) Federal Legislative Meetings – Update

Manager Haen and Director Larscheid met with Senator Kohl and Congressman Kagen and Senator Feingold's office in Washington D.C. recently. Three requests were discussed which the Port would be eligible for – backlog dredging, Renard Island permanent access and the Cat Island chain. Since no federal budget was passed last year, along with the economic stimulus money, this year talks proved to be more complicated. Haen indicated the meetings went well. Renard Island was pulled since this project is not far enough along for consideration. A letter of support was received from Senator Feingold's office.

11) Audit of Bills – Request for Approval

A motion to approve the bills was made by Bernie Erickson and seconded by Bill Martens. Unanimously approved.

12) Director's Report

2010 Budget

Per County Administration, capital projects have to be submitted by the end of July 2009.

Fox River Cleanup

The County has been trying to find all the insurance carriers it has had over the last several decades that were involved with maintaining the harbor. They have not been successful in finding all of them. Wausau Insurance, however, is considering reimbursement for some of our litigation costs for Fox River Cleanup. Brown County, Green Bay and USACE have common interests in answering a complaint filed by two of the papermills related to dredging activities. Staff is working with attorneys and administration staff regarding this complaint.

Port Symposium

Haen thanked those who attended and stated he felt the event went well.

10) Closed Session

19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business. . . . pertaining to Fox River Clean-up litigation.

■ *Return to Open Session –*

A motion to suspend the rules and go into closed session was made by Craig Dickman and seconded by Bernie Erickson. Unanimously approved.

Present: President Neil McKloskey
Vice-President Tom Van Drasek
Commissioner Hank Wallace
Commissioner Craig Dickman
Commissioner Bernie Erickson

Excused: Commissioner Bill Martens (for conflict of interest)
Commissioner John Gower
Commissioner John Hanitz
Commissioner Ron Antonneau

A motion to return to regular session was made by Hank Wallace and seconded by Tom Van Drasek. Unanimously approved.

Present: President Neil McKloskey
Vice-President Tom Van Drasek
Commissioner Hank Wallace
Commissioner Craig Dickman
Commissioner Bernie Erickson

Excused: Commissioner Bill Martens
Commissioner John Gower
Commissioner John Hanitz
Commissioner Ron Antonneau

13) Such Other Matters as are Authorized by Law

14) Adjourn

A motion to adjourn was made by Craig Dickman and seconded by Tom Van Drasek. Unanimously approved. Meeting adjourned at 1:15pm.

Neil McKloskey, President
Harbor Commission

Charles Larscheid, Director
Port & Solid Waste Department